HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :23646, 26174, 26451 of 2000
1600,1605 and 8559 of 2001

Dated 3rd October, 2007

Between

Vijaya Educational Society,
Bharat Nagar, Moosapet, RR Dist
Rep. By its correspondent

…Petitioner

and

Andhra Pradesh State Electricity Regulatory
Commission, rep. By its Secretary, Hyderabad, and, anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :23646, 26174, 26451 of 2000
1600,1605 and 8559 of 2001

COMMON ORDER:

In all these Writ Petitions, as the common issue arises for consideration, they are heard together and disposed of by this common order.

In these Writ Petitions, the petitioners have challenged the categorization for the purpose of levy of electricity consumption charges. It is their case that, earlier, the educational institutions were being categorized under L.T.Category-VII, but however, in the tariff order issued by notification dated 27-5-2000, they were categorized under L.T.Category-II.

The validity of the very tariff order was the subject matter of challenge in Writ Petition No. 9388 of 2000 and batch, in the case of *M/s. Vishnu Cements Limited & Ors, Vs. Central Power Distribution Company of Andhra Pradesh Limited, and, ors* {2003(5) ALT 408 (DB)}, wherein, a Division Bench of this Court upheld the said tariff order. Further, the Supreme Court in the case of *Association of Industrial Electricity Users Vs. State of AP* (AIR 2002 SC 1361), upheld the judgment of the Division Bench of this Court, stated supra. In the said case, the Supreme Court held as follows:

> "The judicial review in a matter with regard to fixation of tariff has not be to as that of an appellate authority in exercise of its jurisdiction under Article 226 of the Constitution. All that the High Court has to be satisfied is that the Commission has followed the proper procedure and unless it can be demonstrated that its decision is on the face of it arbitrary or illegal or contrary to the Act, the Court will not interfere. Fixing a tariff and providing for cross-subsidy is essentially a matter of policy and normally a Court would refrain from interfering with a policy decision unless the power exercised is arbitrary or ex facie bad in law."

In view of the judgments stated supra, I do not find any valid ground for grant of relief as prayed for.

However, it is submitted by the learned Counsel appearing for the petitioners that in the tariff order, which was notified subsequent to the tariff order dated 27-5-2000, some schools which are being run by the charitable institutions were categorized under L.T.Category-VII. In such of the cases, it is always open for them to move the concerned authority, i.e. Superintending Engineer of the respective Distribution Companies, by filing representations with supporting material to show that said schools are being run by charitable institutions. If such representations are filed, it is equally open for the said authority to consider the same and pass suitable orders for categorization for the purpose of electricity tariff.

The Writ Petitions are accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 3-10-2007.
Msnr.